

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SANDRA MEONO,

Plaintiff,

v.

JOSHUA JAMES GRETHER
and UNITED STATES ARMY,

Defendants.

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Civil Action No. 4:22-cv-2176

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1442(a)(1), § 1442a, § 1446, and 28 U.S.C. § 2679(d), and on behalf of defendants Joshua James Grether and the United States Army, the United States Attorney for the Southern District of Texas, by and through undersigned counsel, respectfully files this Notice of Removal and in support of such removal states as follows:

1. On or about June 3, 2022, a civil action was purportedly commenced against defendant Joshua James Grether and the United States Army, in the 281st Judicial District Court of Harris County, Texas. The petition was served on Defendant Joshua James Grether on June 7, 2022, and on Defendant United States Army on June 9, 2022. A copy of the petition initiating the action is filed with this Notice. *See Index of Matters Filed (Petition).*
2. The suit involves an automobile accident. Plaintiff alleges that Defendant Joshua James Grether rear ended Plaintiff's vehicle while either not paying attention or traveling too fast to come to a safe stop. Petition ¶ 8. Plaintiff alleged the doctrine of *respondeat superior* against Defendant United States Army. *Id.* ¶¶ 12-16. The petition seeks money damages. *Id.* ¶ 20.
3. Defendant Joshua James Grether was, at all times relevant to this action, an

employee of the United States Army. *See* 28 U.S.C. § 2671 (“Employee of the government” includes (1) officers or employees of any federal agency, members of the military or naval forces of the United States . . .”). Upon information and belief, all of defendant’s actions/omissions of which plaintiff complains were taken in the context and scope of his employment with the U.S. Army. *See* Certification of Scope of Employment.

4. Pursuant to 28 U.S.C. §§ 1442a and 1442(a)(1), removal is proper. 28 U.S.C. § 1442a permits removal when a member of the armed forces is sued in an official or individual capacity. Additionally, 28 U.S.C. § 1442(a)(1) permits removal when the “United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right....” Plaintiffs filed a civil lawsuit in state court naming as defendants a member of the United States Army acting in the course and scope of his employment, and the United States Army. Moreover, removal is proper pursuant to 28 U.S.C. § 1446(a) as Harris County is within the Southern District of Texas. Finally, pursuant to 28 U.S.C. § 1446(b)(1), the United States files this notice of removal within 30 days of receiving notice of Plaintiffs’ lawsuit. In light of the foregoing, the United States respectfully submits that this action should be removed from the 281st Judicial District Court of Harris County to this Honorable Court.

5. A copy of this Notice of Removal is being served upon counsel for plaintiff and a copy will be filed with the Harris County Clerk’s Office pursuant to Title 28 U.S.C. § 1446(d).

Respectfully submitted,

JENNIFER B. LOWERY
United States Attorney
Southern District of Texas

/s/ **Chad W. Cowan**

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Attorneys for Defendant.

CERTIFICATE OF SERVICE

I certify that on July 1, 2022, the foregoing notice was filed with the Court through the Southern District of Texas Court CM/ECF system and served on all parties and counsel registered with the Court CM/ECF system. The following were served via email and U.S. Mail:

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/s/ **Chad W. Cowan**

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